

UNPUBLISHED

**UNITED STATES COURT OF APPEALS**  
**FOR THE FOURTH CIRCUIT**

FEN-HE CHEN,

*Petitioner,*

v.

JOHN ASHCROFT, Attorney General,

*Respondent.*

No. 02-2237

On Petition for Review of an Order  
of the Board of Immigration Appeals.  
(A70-567-142)

Submitted: September 4, 2003

Decided: October 21, 2003

Before LUTTIG, TRAXLER, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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**COUNSEL**

Thomas V. Massucci, New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, Linda S. Wendtland, Assistant Director, Ann Carroll Varnon, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

**OPINION****PER CURIAM:**

Fen-He Chen, a native and citizen of the People's Republic of China, petitions for review of an order of the Board of Immigration Appeals ("Board"). The order affirmed, without opinion, the immigration judge's decision and order denying Chen's applications for asylum, withholding of removal and withholding of removal under the United Nations Convention Against Torture. For the reasons discussed below, we deny the petition for review.

Chen claims the immigration judge erred in finding he failed to present credible evidence in support of his asylum application. We have reviewed the administrative record and the immigration judge's decision, which was designated by the Board as the final agency determination, and find that substantial evidence supports the immigration judge's conclusion that Chen was not credible. As such, Chen failed to establish past persecution or a well-founded fear of future persecution necessary to qualify for relief from removal. 8 C.F.R. § 1008.13(b) (2003). In addition, he failed to qualify for withholding of removal or withholding of removal under the Convention Against Torture.

Next, Chen claims the Board erred by using the procedure set out in 8 C.F.R. § 1003.1(a)(7) (2003). We have reviewed Chen's challenges to the Board's use of this streamlined procedure and find them to be without merit.

Accordingly, we deny Chen's petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

*PETITION DENIED*